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Date: December 10, 2003

By:

Lynnea B. Anderson

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Daniel *et al.*

APPLICATION No.: 10/668,433

FILED: September 22, 2003

FOR: **BONE-TREATMENT INSTRUMENT AND
METHOD**

EXAMINER: NOT YET ASSIGNED

ART UNIT: NOT YET ASSIGNED

CONF. NO.: NOT YET ASSIGNED

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 CFR 1.97(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 CFR 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

Copies of the following references can be found in parent U.S. Application No. 10/044,081:

- All cited references
- References marked by asterisks
- The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this

application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: Dec. 10, 2003

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<p style="text-align: right;">DEC 12 2003 JC27 INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) Use several sheets if necessary</p> <p style="text-align: right;">PATENT & TRADEMARK OFFICE</p>		COMPLETE IF KNOWN	
		Application Number	10/668,433
		Filed	September 22, 2003
		First Named Inventor	Steven A. Daniel
		Group Art Unit	not yet assigned
		Examiner Name	not yet assigned
		Atty Dkt No.	37167-8042.US01
Sheet 1 of 1			

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		5,814,066	A	Spotnitz	09/1998	
		6,033,401	A	Edwards et al.	03/2000	
		6,302,898	B1	Edwards et al.	10/2001	
		6,562,059		Edwards et al.	05/2003	
		5,697,536		Eggers et al.	12/16/97	
OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.				T
		Strube H.D. et al., "Diagnostic and therapeutic problems in tumors of the bones of the hand", <i>Handchirurgie</i> 1979; <u>11</u> (2):113-118 (abstract only).				
		Matsui, N. et al., "Hyperthermia in malignant tumors of the extremities - experimental heating by a radiofrequency applicator and its clinical significance", <i>Gan To Kagaku Ryoho</i> 1989; <u>16</u> (4 Pt 2-3): 1788-1794, (abstract only).				
		Nagata, Y. et al., "Transcatheter arterial embolization for malignant osseous and soft tissue sarcomas", <i>Cardiovascular & Interventional Radiology</i> 1998; <u>21</u> (3):205-207.				
		Van Oyen, P. et al., "Pain treatment in metastatic prostatic carcinoma by radiofrequency thermolesion on the pituitary gland", <i>Prog Clin Biol Res</i> 1987; <u>243B</u> :497-500.				
		Dupuy, D.E., "Radiofrequency ablation: an outpatient percutaneous treatment", <i>Med Health R I</i> 1999; <u>82</u> (6):213-216.				
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		Barei, D.P. et al., "Percutaneous radiofrequency ablation of osteoid osteoma", <i>Clin Orthop</i> 2000; <u>Apr</u> (373):115-124.				
		Rosenthal, D.I. et al., "Osteoid osteoma: percutaneous radio-frequency ablation", <i>Radiology</i> 1995; <u>197</u> (2):451-454.				
		Sluga, M. et al., "Local and systemic control after ablative and limb sparing surgery in patients with osteosarcoma", <i>Clin Orthop</i> 1999; No. 358:120-127.				
		Rosenthal, D.I. et al., "Ablation of osteoid osteomas with a percutaneously placed electrode: a new procedure", <i>Radiology</i> 1992; <u>183</u> (1):29-33.				

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).</p>	